

James Madison to John Quincy Adams, December 23, 1817. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.

TO J. Q. ADAMS.1 MAD. MSS.

1 Now the Secretary of State.

MONTPELLIER, Decr 23, 1817.

Dear Sir, —I recd. two days ago your favor of the 15 with the written & printed accompaniments.

I am glad to find that your personal interviews with Mr. Bentham afforded an entertainment which may have been some recompence for the trouble which I contributed to give you in relation to him.¹ The celebrity which this Philosophic politician has acquired abroad as well as in his own Country, does not permit one to doubt the extent of his capacity or of his researches; and there is still less room to question the philanthropy which adorns his character. It is unfortunate that he has not added to his merits a style and manner of conveying his ideas which would do more justice to their

¹ Jeremy Bentham sent a long letter of forty-one pages to Madison, October 30, 1811, offering to draw up “a complete body of law; in one word, a pannomian, or as much of it as the life and health of a man, whose age wanted little of four and sixty, might allow of” for the United States or for any of the states. This letter was not answered till Adams went to London as minister, when Madison gave him a reply to deliver to Bentham dated May 8, 1816, in which he politely expressed doubt of the feasibility of the scheme. In the course of the letter he said: “With respect to the unwritten law, it may not be improper to

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observe, that the extent of it has been not a little abridged, in this Country, by successive events. A certain portion of it was dropped by our emigrant forefathers as contrary to their principles, or inapplicable to their new situation. The Colonial Statutes had a further effect in amending and diminishing the mass. The revolution from Colonies to Independent States, capped off other portions. And the changes which have been constantly going on since this last event, have everywhere made, and are daily making further reductions.”

Under date of June, 1817, Bentham wrote a circular letter to the Governor of each of the states enclosing a copy of his letter of Oct. 30, 1811, to Madison. All the correspondence was published in London in 1817, under the title, *Papers Relative to Codification and Public Instruction: Including Correspondence with the Russian Emperor, and Divers Constituted Authorities in the American United States*.

profoundness and importance. With all his qualifications however I greatly overrate or he greatly underrates the task in which he has been so anxious to employ his intellectual labors and treasures, for the reformation of our Code of laws, especially in the advanced age at which the work was to be commenced. And I own that I find some difficulty in reconciling the confidence he feels in the adequacy of his powers not only for a digest of our Statutes into a concise and clear system, but a reduction of our unwritten to a text law, with that penetrating and accurate judgment for which he has the reputation. The disinterestedness and friendly zeal, nevertheless, which dictated the offer of his services to our Country are entitled to its acknowledgments, and no one can join in them with more cordiality than myself.

I have looked over & return the letters from Govr. Plumer and his son. The work conceived by the latter, and the manner in

which he has presented an outline of it, indicate talents which merit cultivation & encouragement. The best answer I can give to your communication on the subject of his wish for a copy of the Journal of the Convention, is to state the circumstance, that at the close of the Convention, the question having arisen what was to be done with the

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Journal & the other papers, and it being suggested that they ought to be either destroyed or deposited in the Custody of the Presidt. it was determined that they should remain in his hands subject only to the orders of the National Legislature. Whether a publication of them ought to be promoted, as having a useful tendency, you will probably be better able to decide, on a perusal of the document than one who cannot take the same abstract view of the subject.¹

¹ Published in 1819. See *ante*, Vol. III, p. 14.

I cannot be insensible to the terms in which you refer to the official relations which have subsisted between us, but must disclaim the obligations which you consider as lying on your side. The results of what took place on mine prove that I only avoided the demerit of a different course. Be pleased Sir to accept assurances of my continued esteem and of my friendly respects.